

CPH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT -3 AM 10:35

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alfredo Enrique RAMIREZ-Ayala,

Defendant(s)

Magistrate Case No.

'07 MJ 2362

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **September 1, 2007**, within the Southern District of California, defendant **Alfredo Enrique RAMIREZ-Ayala**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Otoniel MENDOZA-Arreola**, **Gilberto ORTEGA-Paredes**, and **Jose Maria HUESO-Luna**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF October, 2007



Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Alfredo Enrique RAMIREZ-Ayala

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Otoniel MENDOZA-Arreola**, **Gilberto ORTEGA-Paredes**, and **Jose Maria HUESO-Luna** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

At 2:45 P.M. on September 01, 2007, Supervisory Border Patrol Agent K. Krall of the El Cajon California Border Patrol Station was performing line watch duties in his assigned bureau vehicle. SBPA Krall spotted a vehicle traveling west on State Route (SR) 94 near Potrero, California, that he thought might be loaded with undocumented aliens. The vehicle was a Ford Explorer bearing California license plates. SBPA Krall was traveling east at the time and turned around and headed west to get a better look at the vehicle.

SBPA Krall came upon another vehicle, as he attempted to catch up to the Explorer. It was several minutes before he was able to get past this vehicle and continue to look for the suspected load vehicle. At approximately 2:50 p.m., SBPA Krall came upon a traffic accident at 24000 block of SR 94 near Tecate, Ca. He found a burgundy Ford Explorer that had been involved in a one-car rollover accident. The vehicle matched the description of the one he previously observed. SBPA Krall could see that there were multiple injuries and advised Sector communications and requested emergency medical services and the California Highway Patrol (CHP). At approximately 2:55 p.m. emergency medical services arrived on scene. At approximately 3:30 p.m., CHP arrived on scene.

The accident resulted in two fatalities, five serious injuries and five less serious injuries. A total of ten subjects were taken to local hospitals. At this time no information is available on any of the injured or deceased. It is believed at this time that the driver of the vehicle is one of the deceased subjects. This information was obtained through statements from the injured at the scene.

UPDATE: 09-02-2007 at 3:00 a.m.

At 1:35 a.m., seven of the ten individuals that had gone to the hospitals have returned to the El Cajon Station after having been medically cleared for travel and incarceration. They are as follows:

1. HUESO-Luna, Jose Maria, DOB 02/03/1977, born in Colima, Mexico.
2. MARTINEZ-Pacheco, Juvenal, DOB 10/18/1985, born in Morelos, Mexico.
3. SAMBRANO-Perez, Carlos, DOB 11/03/1967, born in Jalisco, Mexico.
4. SAMBRANO-Perez, Guadalupe, DOB 11/24/1981, Born in Jalisco, Mexico.
5. GARCIA-Candida, Margarita, DOB 01/26/1962, Born in Hidalgo, Mexico.
6. ORTEGA-Paredes, Gilberto, DOB 08/01/1984, born in Aguascalientes, Mexico.
7. MENDOZA-Arreola, Otoniel, DOB 04/30/1967, born in Nayarit, Mexico.

Routine record checks revealed all subjects had minor immigration and no criminal histories. After Agents identified themselves as United States Border Patrol Agents, all subjects were questioned as to their immigration status when returning from the hospitals. All subjects stated that they were citizens and nationals of Mexico without proper documentation allowing them to be or remain in the United States legally. All subjects were subsequently transported to the Chula Vista station for processing by Smuggling Interdiction Group Agents.

CONTINUATION OF COMPLAINT:**Alfredo Enrique RAMIREZ-Ayala**

UPDATE: September 3, 2007 at 3:00 p.m.

One of the two individuals deceased in the accident has been identified as Fernando GARCIA-San Juan a 20-year-old male. His aunt, GARCIA-Candida, Margarita who was also part of the original load of undocumented aliens, identified him. The other deceased subject was later identified as Joel DELGADO-Parra with a DOB of 01/07/1979. The other injured individuals are identified as Oscar Ivan FIGUEROA-Romero (DOB: 02/10/1988) and Alfredo Enrique RAMIREZ-Ayala (DOB: 07/11/1986). They are admitted at Scripps Mercy Hospital in San Diego, California.

UPDATE: October 2, 2007

Defendant Alfredo Enrique RAMIREZ-Ayala is released from the medical facility and taken into custody by Senior Patrol Agent Andrew Kahl, and transported to the Chula Vista Border Patrol Station for interview.

DEFENDANT STATEMENT:

Agent Kahl read Miranda Warning to RAMIREZ, the defendant waived his right to attorney and stated he was willing to answer questions.

RAMIREZ states that he is a citizen and national of Mexico, and that he was born in Tecate, Baja California, Mexico on July 11, 1986. RAMIREZ further admits he does not have any immigration documents allowing him to enter or remain in the United States legally. He claimed that at age 9 or 10, he once had a tourist visa to visit the United States, but it is now no longer valid. RAMIREZ said that he currently resides in Rancho Ayala in the Valle Redondo area of Tecate, Baja California, Mexico.

Initially, RAMIREZ denied being an alien smuggler, but then recanted and admitted he has been involved in guiding undocumented aliens into the United States for at least one month in association with his cousin who is known by the moniker "El Chilango". RAMIREZ admitted four prior occasions where he guided groups of undocumented aliens into the United States. RAMIREZ admitted he has been paid \$100.00 USD for each alien he has successfully smuggled.

RAMIREZ states that on or about August 31, 2007, "El Chilango" offered him work, and RAMIREZ agreed. They met up with a group of about seven aliens and another unnamed male footguide near the border at about 6:00 A.M. on or about September 1, 2007. RAMIREZ claims this was the first time he worked with the unnamed footguide. RAMIREZ' task would be to follow the group and "brush out" their footprints as they walked north into the United States to meet a smuggling vehicle alongside State Route 94 in a rural area near Tecate, California.

RAMIREZ claims the unnamed footguide informed him that their plan was to first move the aliens north with a vehicle, then drop off the aliens before the Border Patrol checkpoint and guide the aliens around it. RAMIREZ added that when tasked with guiding aliens around the checkpoint, the guides are paid \$200.00 USD per alien. The unnamed male footguide was in front of the group speaking by radio to other men acting as "lookouts" in the area. The unnamed male directed the group of aliens through a drainage tube and then north to the load-up spot. RAMIREZ states that when the load vehicle arrived, the unnamed footguide opened the rear door and they all piled in on the rear floorboard of the vehicle. RAMIREZ said that was the last thing that he remembered, and that he did not remember the accident, or how it happened.

CONTINUATION OF COMPLAINT:**Alfredo Enrique RAMIREZ-Ayala****MATERIAL WITNESSES STATEMENTS:**

Otoniel MENDOZA-Arreola states that he is a citizen and national of Mexico currently without any valid documents allowing him to enter or remain in the United States legally. MENDOZA claims he met with an unnamed smuggler in Tijuana, B.C., Mexico and made arrangements to be smuggled into the United States for \$3,000.00 USD with a final destination of Ontario, California to stay with family.

MENDOZA stated that the defendant **Alfredo Enrique RAMIREZ-Ayala** was one of two male footguides that guided him into the United States near Tecate, California along with other aliens to board the SUV that subsequently crashed along State Route 94. MENDOZA selected the defendant RAMIREZ' photograph from a set of photographs taken of all occupants of the crashed SUV, and stated that he was one of the footguides.

Gilberto ORTEGA-Paredes states that he is a citizen and national of Mexico without any documents allowing him to enter or remain in the United States legally. ORTEGA claims that a family friend made smuggling arrangements for ORTEGA to be smuggled into the United States and transported to the Los Angeles, California area for a fee between \$2,500.00 USD to \$2,800.00 USD.

ORTEGA stated that the defendant **Alfredo Enrique RAMIREZ-Ayala** was one of two male footguides that guided him into the United States near Tecate, California along with other aliens to board the SUV that subsequently crashed along State Route 94. ORTEGA selected the defendant RAMIREZ' photograph from a set of photographs taken of all occupants of the crashed SUV, and stated that he was one of the footguides.

Jose Maria HUESO-Luna states that he is a citizen and national of Mexico currently without any valid documents allowing him to enter or remain in the United States legally. HUESO claims that he met with a woman named "La Guera" in Tijuana, B.C., Mexico to make smuggling arrangements for both his wife and himself to be smuggled into the United States and transported to the Los Angeles, California area for \$2,200.00 USD each.

HUESO's wife could not endure the rural hike across the border. She was escorted back south by HUESO and the defendant RAMIREZ to remain safely in Mexico. HUESO and the defendant then returned back to the group of aliens to proceed north into the United States.

HUESO stated that the defendant **Alfredo Enrique RAMIREZ-Ayala** was one of two male footguides that guided him into the United States near Tecate, California along with other aliens to board the SUV that subsequently crashed along State Route 94. HUESO selected the defendant RAMIREZ' photograph from a set of photographs taken of all occupants of the crashed SUV, and stated that he was one of the footguides.